

BILL NO. Z-87-04-15-

ZONING MAP ORDINANCE NO. Z- 05-88

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. F-3.

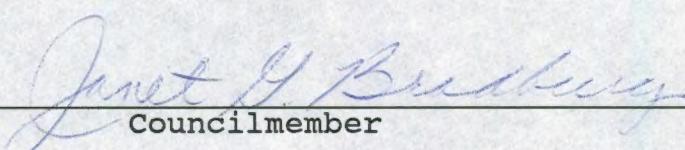
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated a POD (Professional Office District) under
the terms of Chapter 33 of the Code of the City of Fort
Wayne, Indiana of 1974:

Part of Lot 1, Highway Addition, to Fort Wayne, as
recorded in Plat Book 15, page 13, in the Office of the
Recorder of Allen County, Indiana, more particularly
described as follows: Commencing at the south corner
of said lot; thence running northeastward on the
southeasterly boundary thereof on a line coincidental
to the northwesterly right-of-way line of U.S. Highway
No. 24, a distance of 203.5 feet; thence northwestward,
a distance of 146.6 feet to the northwesterly boundary
of said lot, as situated coincidentally with the
southerly right of way line of the former location of
U.S. Highway No. 24, now designated North Bend Drive;
thence southwestward on the northwesterly boundary of
said lot, a distance of 203.5 feet to the west corner
thereof; thence southeast on the lot line between Lots
2 and 1 of said plat, a distance of 210.0 feet to the
place of beginning, containing 0.935 Acres of land; as
computed to the center line of the said North Bend
Drive,

and the symbols of the City of Fort Wayne Zoning Map No. F-
3, as established by Section 11 of Chapter 33 of the Code of
the City of Fort Wayne, Indiana are hereby changed
accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.


Councilmember

APPROVED AS TO FORM AND LEGALITY:


BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by _____,
seconded by _____, and duly adopted, read the second time by
title and referred to the Committee on _____ (and the
City Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Conference Room 128, City-County Building,
Fort Wayne, Indiana, on _____, the _____, day
of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: _____

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by McQuinn,
seconded by Salvino, and duly adopted, placed on its
passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>7</u>			<u>2</u>
BRADBURY				<u>✓</u>
BURNS	<u>✓</u>			
GiaQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
REDD	<u>✓</u>			
SCHMIDT	<u>✓</u>			
STIER				<u>✓</u>
TALARICO	<u>✓</u>			

DATED: 4-26-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL)
(SPECIAL) (ZONING MAP) _____ ORDINANCE RESOLUTION NO. 2-05-88
on the 26th day of April, 1988,

Sandra E. Kennedy ATTEST
SANDRA E. KENNEDY, CITY CLERK

SEAL Thomas P. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 27th day of April, 1988,
at the hour of 11:30 o'clock A. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 27th day of April,
1988, at the hour of 2:30 o'clock P. M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

Read the first time in full and on motion by Bradbury
seconded by Redd, and duly adopted, read the second time
by title and referred to the Committee Regulations (and the C:
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Way
Indiana, on _____, the _____ day of _____
_____, 19____, at _____ o'clock _____ M.,

DATE: 4-14-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____
seconded by _____, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>EISBART</u>	_____	_____	_____	_____	_____
<u>GIAQUINTA</u>	_____	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	_____	_____
<u>REDD</u>	_____	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: _____

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____
on the _____ day of _____, 19____

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana
on the _____ day of _____, 19____
at the hour of _____ o'clock _____ M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____
19____, at the hour of _____ o'clock _____ M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

RECEIPT

No 1185

COMMUNITY DEVELOPMENT & PLANNING

Ft. WAYNE, IND., 3/30 1987

RECEIVED FROM

Barrington Realty

\$

50.00

THE SUM OF

fifty

100

DOLLARS

ON ACCOUNT OF

5015 No. Bend Hw.

AUTHORIZED SIGNATURE

THIS IS TO BE FILED IN DUPLICATE

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

I/We Steven A. Hobbs (Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an RA District to a/an POD District the property described as follows:

Part of Lot 1, Highway Addition, to Fort Wayne, as recorded in Plat Book 15, page 13, in the Office of the Recorder of Allen County, Indiana, more particularly described as follows: Commencing at the south corner of said lot; thence running northeastward on the southeasterly boundary thereof on a line coincidental to the northwesterly right-of-way line of U.S. Highway No. 24, a distance of 203.5 feet;

(CONTINUED ON REVERSE SIDE)

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 5015 North Bend Drive, Fort Wayne, Indiana

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Lennard R. Holland

5015 North Bend Drive

Fort Wayne, Indiana 46804

(Lennard R. Holland)

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____ (OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Gary M. Cappelli, Attorney
(Name)

P.O. Box 11079

Fort Wayne, Indiana 46855
(Address & Zip Code)

219/427-2600

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

thence northwestward, a distance of 146.6 feet to the northwesterly boundary of said
lot, as situated coincidentally with the southerly right-of-way line of the former location
of U.S. Highway No. 24, now designated North Bend Drive; thence southwestward on the
northwesterly boundary of said lot, a distance of 203.5 feet to the west corner thereof;
thence southeast on the lot line between Lots 2 and 1 of said plat, a distance of 210.0
feet to the place of beginning, containing 0.935 Acre of land; as computed to the center
line of the said North Bend Drive. (Document No. 73-2190)

Owners of Property

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE
This form is to be filed in duplicate.

NOTICE:
FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING
FROM BEING HELD.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 14, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-04-15; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 20, 1987.

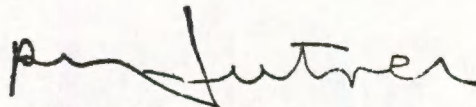
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 27, 1987.

Certified and signed this
29 day of July 1987.



Robert Hutner
Secretary

ORIGINAL

Admn. Appr. _____

COUNCILMANIC DISTRICT No. _____

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 5015 North Bend Drive

2-87-04-15

EFFECT OF PASSAGE Property is presently zoned R-A - Suburban Residential.
Property will become a P O D - Professional Office District.

EFFECT OF NON-PASSAGE Property will remain an RA - Suburban Residential District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

Division of Community Development & Planning

BILL NUMBER

BRIEF TITLE

APPROVAL DEADLINE

REASON

Zoning Ordinance Amendment
From RA to POD

DETAILS

<p>Specific Location and/or Address</p> <p style="text-align: center;">5015 North Bend Drive</p>
<p>Reason for Project</p> <p style="text-align: center;">Professional Office Development</p>
<p>Discussion (Including relationship to other Council actions)</p> <p><u>21 April 1987 - Public Hearing</u></p> <p>See Attached Minutes of Public Hearing.</p> <p><u>27 July 1987 - Business Meeting</u></p> <p>Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation with the condition that the petitioner provide a recordable document agreeing to the following:</p> <ol style="list-style-type: none"> 1) Petitioner shall grant a 40 foot wide ingress/egress easement along the front of the subject property, to be used as a frontage road; 2) Petitioner shall construct and maintain such frontage road to applicable City standards; 3) Any driveways shall be subject to review and closure by the owner at the discretion of the Traffic Engineering Department; 4) Any obstructions to the frontage road, including sight obstructions, shall be removed at the owners expense.

POSITIONS

RECOMMENDATIONS

<p>Sponsor</p>	<p>City Plan Commission</p>
<p>Area Affected</p>	<p>City Wide</p> <p>Other Areas</p>
<p>Applicants/ Proponents</p>	<p>Applicant(s)</p> <p>Steven Hobbs</p> <p>City Department</p> <p>Other</p>
<p>Opponents</p>	<p>Groups or Individuals</p> <p>Westmoor Neigh Assn</p> <p>Ben Eisbart, Councilman</p> <p>Basis of Opposition</p>
<p>Staff Recommendation</p>	<p><input checked="" type="checkbox"/> For <input type="checkbox"/> Against</p> <p style="text-align: center;">Reason Against</p>
<p>Board or Commission Recommendation</p>	<p>By</p> <p><input checked="" type="checkbox"/> For <input type="checkbox"/> Against</p> <p><input type="checkbox"/> No Action Taken</p> <p><input type="checkbox"/> For with revisions to conditions (See Details column for conditions)</p>
<p>CITY COUNCIL ACTIONS (For Council use only)</p>	<p><input type="checkbox"/> Pass <input type="checkbox"/> Other</p> <p><input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold</p> <p><input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass</p>

DETAILS

The document has been submitted and approved by the City attorney.

Of the seven (7) members present five (5) voted in favor of the motion, one (1) voted against and one (1) did not vote. Motion carried.

POLICY/ PROGRAM IMPACT

Policy or
Program
Change

☐ No

☐ Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 20 March 1987

Projected Completion or Occupancy

Date 29 March 1988

Fact Sheet Prepared by
Patricia Biancaniello

Date 29 March 1988

Reviewed by

Date

Gay Carter
Reference or Case Number

3/21/88

Bill No. Z-87-04-15 - From RA to POD

Public Hearing - April 21, 1987

Gary Cappelli, attorney for the petitioners stated that he represented the owner as well as the proposed developer of the project. Mr. Cappelli stated that the petitioner asked that the real estate, which consists of approximately 8/10 ths of an acre, and is served by two accesses one on Jefferson and one on North Bend Drive. The petitioner is requesting the change of zoning in order to convert the existing residential structure located on the premises to a real estate office. He stated that the existing structure is a 1700 sq ft residential building. The development plan contemplates the remodeling of this structure only. He stated the only additional space would be the increase of the frontage of the building by approximately 1 ft, to enable a window to be inserted. Mr. Cappelli stated that they believe that this requested use is a perfect transitional use for this area, between existing residential and existing and contemplated commercial development along this area. He stated that they have gone over the staff comments and had no problems with the exception of the following: a 40 foot wide ingress/egress easement along the front of subject property, to be used as a frontage road - He proposed to the Plan Commission that they not adopt that condition, but that the developer would be agreeable in contributing to the cost of an acceleration and a recovery lane for the main entrance of entrances that are ultimately inserted in this 4/10ths of a mile distance along West Jefferson

Minutes
21 April 1987

Bl. He stated as he understood this whole area is targeted for professional offices and soon the frontage road will be installed and soon somewhere along that line there will be placed one or more primary access points. He stated that the developer understands that his direct access to W. Jefferson Bl may be terminated and hooked up with the frontage road and he is agreeable with that concept and has also agreed to dedicate a 40 foot strip along the front of the property and to install at his expense, when required, this frontage road to link up the entire complex. He stated a second exception to the staff recommendation is the developer's responsibility to install at his sole cost a traffic signal along this area when the warrants require. He stated obviously one is not needed now and this is the only office development occurring in this area at that time. He stated that this is contemplated to be a professional office area and somewhere along the line a traffic signal may be required at the main access point. He stated that the developer does agree to contribute to his pro-rated share of the cost, design and installation of that traffic light when it is required, pro-rated on some reasonable basis with all of the other office uses that come on line here. He stated that he objects to having to put in a traffic signal at his sole cost and expense if he is only developing 205 foot frontage on West Jefferson Blvd. He stated thirdly, they did not concur with the recommendation on signage made by staff. He stated that the planned office development ordinance makes certain specifications as to signage in this kind of a development. He stated that the Plan Commission has the authority to waive those restrictions. He stated that they would like permission to have a free standing I D Sign, but limited to a monument sign of no higher than 4 feet in height identifying the site until such time as the whole area is developed, one access road is put in the frontage road is extended, then the developer agrees to remove that freestanding I D Sign and place a sign in conformity with the Sign Ordinance on the face of his building and also have his name added to the I D Sign that identifies the entire complex.

Herman Friedrich questioned what was on the property immediately to the east of the property in question.

Mr. Cappelli stated there is no business there presently but there is a proposed medical facility planned for that property. He stated that it is an empty lot presently.

Steve Smith stated that one of the staff recommendation is that the existing North Bend Drive access should be closed.

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21 April 1987

Mr. Cappelli stated that they concur with that recommendation.

John Shoaff questioned what they intended to do with the existing trees along the property.

Mr. Cappelli stated that there are 19 existing trees on the property and only 2 of those will be removed and that is in the parking lot area. He stated all of the trees will remain and additional landscaping will be added. He stated that under the POD ordinance it is required that a 20 foot side yard be maintained plus 10 feet for each additional story of the structure. He stated that this is a 1 1/2 story structure. He stated that would dictate that the parking lot be set back 25 feet. He stated that they are asking that the setback requirement be waived and that the staff has recommended that it be waived.

Baron Biedenweg questioned if the garage which is on the property would be retained.

Mr. Cappelli stated that the garage will remain.

The following people spoke in opposition to the proposed rezoning and development plan:

Lynn Shultz, 5022 North Bend Drive
Paul Fairfield, 5128 North Bend Drive
Diane Noble, President of the Westmoor Community Association
Ben Eisbart, Councilman for the 4th District
Fred Hunter, Address Not Given
Janet Lepper, 4932 North Bend Drive

The major complaints were the concerns over the increase in the traffic at this intersection. It was also felt that this business development have a deteriorating effect on the residences in the area. It was also felt by the remonstrators that an overall development plan for West Jefferson should be developed by the Plan Commission so that the area is not piecemealed and that they would have an idea of what type of commercial uses would be allowed, be it restaurants, or professional offices.

Mr. Shultz specifically felt that the residents were not well enough informed of what was going on in the area not only with this development but with the whole of Jefferson Bl. He felt that the request should be tabled until the residents were afforded detailed information on the project.

Minutes
21 April 1987

Mr. Eisbart stated that he felt that a traffic count was needed at this intersection and that the request should be tabled until such count was accomplished. He stated that there was also a unique difference with the request because this was the first piece of property that interfaces a neighborhood association.

Ms. Noble also turned in a petition in opposition to the rezoning with 179 signatures.

Edith Kenna questioned that when the Plan Commission last year voted on a policy change to allow offices along U.S. #24 have we ever voted on that as an amendment to the Comprehensive Plan, which then would have allowed the public to know more about this policy.

V.C. Seth stated that it was not voted as an amendment to the Comprehensive Plan. He stated that even then it would not be publicized and people do tend to forget.

Edith Kenna questioned if there would have been a public hearing on an amendment to the Comprehensive Plan.

V.C. Seth stated if it had been an amendment to the Comprehensive Plan there would have been a public hearing.

Edith Kenna stated that the Commission should consider a formal amendment to the Comprehensive Plan. She stated if we are going to have so many requests for rezonings on U.S. #24, the neighbors will continue to come up with the same question as Mr. Shultz regarding the Plan Commission policy for development in this area. She stated that this would give people an idea of what controls are being placed on the area.

Gary Cappelli, in rebuttal stated that people in opposition were concerned with the "domino theory of planning". Mr. Cappelli stated that this is one of the very basic tenets of land use planning. He stated that it goes by another name and that is "adjacent growth strategy". He stated that is what happens because they try to avoid the hopscotch of rezonings. He stated that there has been testimony about the changing character of this area. He stated that this is no longer suitable for single family residential use. He stated that the character of the area has changed over the years. He stated he was aware that it was natural for people to resist this type of change. He stated it was up to the Commission however to decide what is the most logical, transitional use that maintains some compatibility with the surrounding character of the commercial area and the

Minutes
21 April 1987

residential areas. He stated that there was a great deal said about the Commission not planning. He stated that he could assure them that was not true. He stated that the staff is very, very active in planning. He stated that this area well suited for planned office development. He stated that he wanted to rebut a couple of things in so far as lack of information is concerned. He stated that he has supplied the Westmoor Neighborhood Association with not only a copy of the site plan but also with a copy of the rendering. He stated that Mr. Shultz also had copies of the site plan and rendering. He stated they attempted to contact people along North Bend Drive and stated they were successful in talking to 4 residents. He stated that the developer has not tried to keep this a secret. He stated that they are asking the Commission to rezone this property from residential to something that is compatible with the existing area. Mr. Cappelli also pointed out that West Jefferson is a 4-lane divided highway and that is why it is being commercially and professional developed along there. He questioned if this road of all roads cannot hold the traffic associated with this kind of use then what roads would the Commission expect in the community to do so. He stated he felt that this road can hold the traffic. There was no one present who wished to speak in favor of or in opposition to the proposed rezoning and development plan.

held for 2 weeks

BILL NO. Z-87-04-15

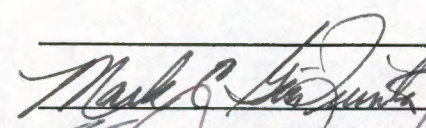
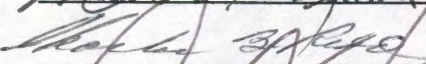
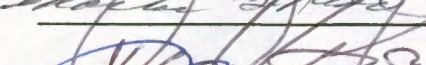
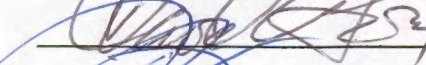
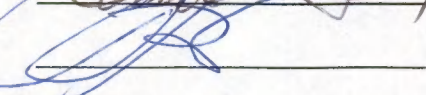
REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ ^{XXXXXXXXXX} amending the City of
Fort Wayne Zoning Map No. F-3

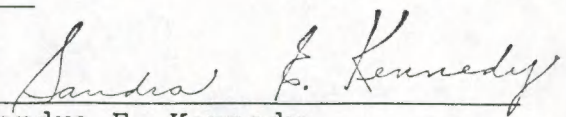
HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) ~~(RESOLUTION)~~

YES

NO

	JANET G. BRADBURY	_____
	CHAIRPERSON	_____
	MARK E. GIAQUINTA	_____
	VICE CHAIRMAN	_____
	CHARLES B. REDD	_____
	DAVID C. LONG	_____
	PAUL M. BURNS	_____

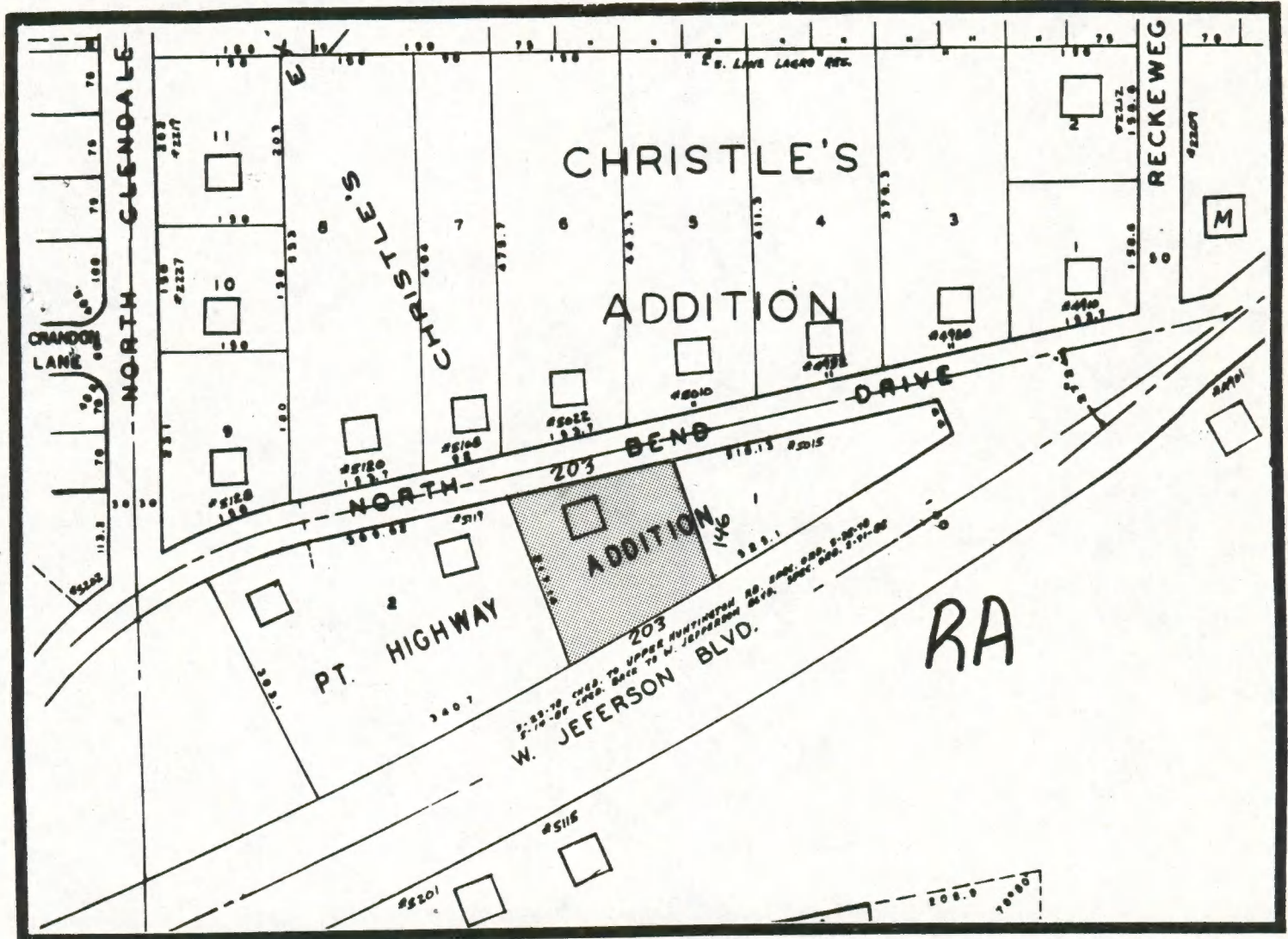
CONCURRED IN 4-26-88


Sandra E. Kennedy
City Clerk

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R-A DISTRICT TO A P.O.D. DISTRICT.

MAP NO. F-3

COUNCILMANIC DISTRICT NO. 4



ZONING:

RA RESIDENCE 'A'

LAND USE:

- ☐ SINGLE FAMILY
- ☒ MULTI-FAMILY

SCALE: 1" = 200'

DATE: 4-1-87

